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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

KRISTOPHER DOMINIQUE
SHERIDAN,

Defendant and Appellant.

E054124

(Super.Ct.No. FWV1101068)

OPINION

APPEAL from the Superior Court of San Bernardino County. Mary E. Fuller,
Judge. Affirmed.

Jeffrey E. Thoma, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Kristopher Dominique Sheridan was sentenced to a three-year prison term after a jury found him guilty of being a felon in possession of a firearm (Pen. Code, § 12021, subd. (a)(1))¹ and he admitted having a prior prison term (§ 667.5, subd. (b)). We affirm the conviction.

FACTS AND PROCEDURE

In October 2010, defendant, along with his wife and her 10-year-old daughter, traveled by car from their home in Arizona to Ontario, California. The wife's daughter testified at trial that she saw defendant place a gun in one of their bags in Arizona, then saw him take it out of the bag at their hotel room in California. She left the room and did not see where defendant put the gun, but noticed he had a glove on his hand when he was handling the gun. At some point when the wife's daughter was in the hotel room by herself, the police knocked on the door and entered. They asked if there was a gun in the room. She initially said there was not, but eventually told them there was. A gun that police recovered from the nightstand in the hotel room looked like the one defendant had put into the bag in Arizona and taken out of the bag in the hotel room.

The gun that police recovered from the nightstand did not have a bullet in the chamber, but the clip was loaded with seven bullets. The parties stipulated that defendant was a convicted felon, and that the gun that was found in the hotel room did not have any finger prints on it and was not registered to anyone. The parties also stipulated that, if the investigating officer were to be called to the witness stand, he would testify that the

¹ All references are to the Penal Code unless otherwise indicated.

wife's daughter told him that she never saw defendant put a gun in the nightstand in the hotel room.

On May 5, 2011, the People filed an information charging defendant with one count of being a felon in possession of a firearm and alleging that he had served a prior prison term and had not remained free of custody for at least five years subsequent.

On July 19, 2011, the jury convicted defendant of the firearm charge. The following day, defendant admitted the prior prison term allegation and the court sentenced him to the midterm of two years on the firearm charge, plus one year for the prior prison term, with credit for 269 days of actual custody and 269 days for good conduct.

DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493], setting forth a statement of the case and a summary of the facts, and requesting this court to conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

DISPOSITION

The conviction is affirmed.

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RAMIREZ
P. J.

We concur:

McKINSTER
J.

RICHLI
J.